

Andrew B. Joseph
William M. Connolly
Matthew J. Fedor
DRINKER BIDDLE & REATH LLP
500 Campus Drive
Florham Park, New Jersey 07932
973.549.7264

Attorneys for Defendant
AT&T Mobility LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

<p>BARRY HALL, <i>et al.</i>,</p> <p>Plaintiffs,</p> <p>v.</p> <p>AT&T MOBILITY LLC f/k/a CINGULAR WIRELESS LLC, <i>et al.</i>,</p> <p>Defendants.</p>	<p>Civil Action No. 07-05325 (JLL)</p> <p>DECLARATION OF JOHN T. THROCKMORTON</p>
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I, JOHN T. THROCKMORTON, declare as follows:

1. I am Associate Director – Marketing Communications for AT&T Mobility LLC.

In this capacity, I work with the Customer Lifecycle Management group, which is responsible for direct communications with AT&T Mobility's customer base. This includes the distribution of notices, including legal notices, to AT&T Mobility customers. As Associate Director, I am familiar with this process generally and with AT&T Mobility's distribution of the legal notice of the settlement of this lawsuit to its direct billed customers. I am fully familiar with and have personal knowledge of the matters in this declaration and am competent to testify about them if called upon to do so.

2. AT&T Mobility customers may select the method by which they receive their monthly bills. A customer may select to receive a paper bill, by paperless billing, in which case the bill is provided electronically, or both.

3. AT&T Mobility caused notice of the settlement of this case to be provided to those AT&T Mobility subscribers who have a contract with AT&T Mobility that permits the assessment of a flat-rate ETF. Notice was provided by a bill insert mailed with the customer's monthly bill, if the customer received a paper bill, or by electronic mail, if the customer received paperless bills from AT&T Mobility and had provided his or her electronic mail address.

4. With respect to paper bills, AT&T Mobility prints and mails customer bills with the help of a vendor, DST Output ("DST"). DST uses another vendor to print bill inserts, and DST handles the actual placement of an insert in monthly bills as well as the process of mailing of bills to AT&T Mobility customers. Bills are sent via First Class Mail.

5. All inserts or mandatory notices are scheduled on a monthly basis. AT&T Mobility begins by developing a criteria defining which accounts are to receive the bill insert. The Billing department then receives a form for each mandatory insert (every calendar month) which is used to configure the billing system, as necessary, to provide the insert in accordance with that criteria.

6. AT&T Mobility provides DST with the criteria defining which accounts are to receive a particular insert. Each insert is assigned a specific code and that number, along with a corresponding symbol, is placed on the insert before it is printed to ensure accuracy of insertion and for tracking purposes. A bar code is also placed on each bill that tells DST's processing equipment the number of pages for each bill and which bill insert should be included.

7. AT&T Mobility also communicates by email with those customers who have provided their electronic mail address. AT&T Mobility generates the text of the email along with a list of the customers to whom it is to be sent. The text and the customer list is sent to Nurun Atlanta LLC ("Nurun"), a vendor that assists AT&T Mobility with the actual sending of emails. Nurun takes the text provided by AT&T Mobility and creates an email, making any necessary layout, formatting, and branding changes. Nurun then sends the email to the customers on the list provided by AT&T Mobility.

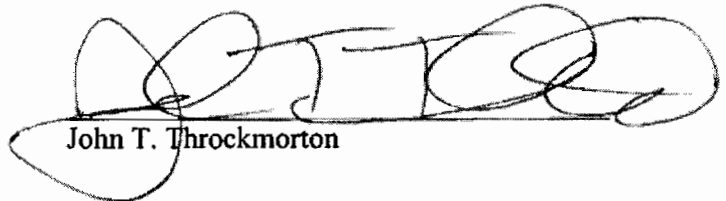
8. Consistent with the procedures described in paragraphs 4 through 6, AT&T Mobility caused a bill insert providing notice of the settlement to be included in the January 2010 billing statements of customers with contracts with AT&T Mobility who receive paper bills from AT&T Mobility. This insert was assigned the code and corresponding symbol: "0071213■". Bills with these inserts were mailed continuously in the month of January to customers who receive paper bills in English, beginning on January 1, 2010 and ending on January 31, 2010. In total, notice was provided to 21,286,420 accounts. A copy of the bill insert is attached as Exhibit A. It should be noted that many accounts have multiple subscribers. By way of example, at the end of December 2009, AT&T Mobility had approximately 65.1 million postpaid subscribers.

9. Consistent with the procedures described in paragraph 7, AT&T Mobility caused an email providing notice of the settlement to be sent to customers with contracts with AT&T Mobility who receive paperless bills from AT&T Mobility and provided electronic mail addresses. These emails were sent on January 26, 2010. The email contained a link on which a customer could click to access a .pdf of the notice. Both are attached at Exhibit B. Emails were sent to a total of 4,692,166 accounts.

10. AT&T Mobility provides its customers with the option to receive bills in Spanish, and customer accounts have an indicator identifying those customer who have made this election. AT&T Mobility obtained a certified Spanish translation of the bill insert notice from the claims administrator for the settlement, Rust Consulting, Inc. and prepared a Spanish-language postcard notice for Spanish paper-bill customers. A copy of this Spanish language notice is attached as Exhibit C. AT&T Mobility generated a mailing list of Spanish language paper bill customers using the Spanish-language account indicator, and provided the Spanish language notice and the mailing list to Direct Technologies Inc. ("DTI"), an outside direct mail vendor. At AT&T Mobility's direction, beginning on April 7, 2010 and ending on April 9 2010, DTI mailed the Spanish language notice to 729,211 accounts.

11. The bill insert, emails, and Spanish language notice discussed above were sent to account holders in all AT&T Mobility markets across the United States, including Puerto Rico.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 27 day of May, 2010 in Redmond, Washington.



John T. Throckmorton

Exhibit A



**Important Notice from the United States
District Court for the District of New Jersey
about a Class Action Settlement**

Para ver este aviso en español, visita
www.ATTMETFSettlement.com/espanol

A Class Action Settlement Could Affect Your Rights If You:

- **Subscribed to wireless telephone service from AT&T Mobility LLC ("AT&T Mobility") or its predecessors and paid or were charged a flat-rate early termination fee ("ETF") at any time after January 1, 1998; or**
- **Your contract included a flat-rate ETF provision at any time after January 1, 1998.**

A proposed Settlement has been reached in a class action alleging that AT&T Mobility's flat-rate ETF (generally between \$150 and \$175) was unlawful. The Settlement resolves several other cases that challenge AT&T Mobility's flat-rate ETF. AT&T Mobility strongly denies any wrongdoing, but has agreed to settle to avoid the burden and cost of further litigation. **The sole purpose of this notice is to inform you of the Settlement so that you may decide what to do.**

If the Settlement is approved, a settlement fund of \$16,000,000 in cash and \$2,000,000 in non-cash benefits will be created. Class Members who submit Claim Forms may receive monetary or other benefits. You may also choose to exclude yourself from, or object to, the Settlement. The Court has appointed attorneys to represent the Class. You may hire your own attorney, but only at your own expense.

For a full description of the Settlement, related Court documents, and deadlines and forms, please visit www.ATTMETFSettlement.com.

- Claim Forms are due June 14, 2010, but the date may be extended.
- Requests to exclude yourself from the Settlement must be submitted to the Settlement Administrator and are due March 24, 2010.
- You or your lawyer has the right to appear before the Court and object to the Settlement. Any objections to the Settlement are due March 24, 2010, and any objections to attorneys' fees requested are due April 12, 2010.
- The Court will determine whether to approve the Settlement at a Fairness Hearing on April 14, 2010 at 10:00 a.m. in the United States District Court for the District of New Jersey.
- If you do not exclude yourself by March 24, 2010 and you are a member of the Class, you will be bound by the terms of the Settlement and give up your rights to sue in court or arbitration regarding issues in the case.

You can get a Claim Form at
www.ATTMETFSettlement.com/claimform
by calling 1-888-228-0885 or
by writing the AT&T Mobility ETF Settlement Claims
Administrator, c/o Rust Consulting, Inc., P.O. Box 2266,
Faribault, MN 55021-2386.

Questions may also be directed to Class Counsel
by email at info@ATTMETFSettlement.com.

Please do not contact AT&T Mobility or the Court with questions about this Settlement.

00071213■

Exhibit B

[View on Mobile Device](#) | [View in Web Browser](#)



Important Notice from the United States District Court for the District of New Jersey about a class action settlement regarding early termination fees which could affect your rights. A proposed class action settlement has been reached that could affect your rights if you: (a) subscribed to wireless telephone service from AT&T Mobility LLC or its predecessors and paid or were charged a flat rate early termination fee ("ETF") from January 1, 1998 through November 4, 2009 or (b) your contract included a flat-rate ETF provision at any time after January 1, 1998. Please [click here](#) for an important notice regarding this settlement.

To view your account online, visit att.com/mywireless.

Please do not respond to this email as it will go to an unmonitored mailbox.

[contact us](#) [privacy policy](#)

This email was sent to: vlpmjs@comcast.net

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If you have any questions about how AT&T collects, uses and protects your personal information as a wireless customer, please visit our Privacy Policy at att.com/privacy.

AT&T Mobility, 1055 Lenox Park Blvd. Atlanta, GA 30319-5309, United States of America.



**Important Notice from the United States
District Court for the District of New Jersey
about a Class Action Settlement**

Para ver este aviso en español, visita
www.ATTMETFSettlement.com/espanol

A Class Action Settlement Could Affect Your Rights If You:

- **Subscribed to wireless telephone service from AT&T Mobility LLC ("AT&T Mobility") or its predecessors and paid or were charged a flat-rate early termination fee ("ETF") at any time after January 1, 1998; or**
 - **Your contract included a flat-rate ETF provision at any time after January 1, 1998.**
-

A proposed Settlement has been reached in a class action alleging that AT&T Mobility's flat-rate ETF (generally between \$150 and \$175) was unlawful. The Settlement resolves several other cases that challenge AT&T Mobility's flat-rate ETF. AT&T Mobility strongly denies any wrongdoing, but has agreed to settle to avoid the burden and cost of further litigation. **The sole purpose of this notice is to inform you of the Settlement so that you may decide what to do.**

If the Settlement is approved, a settlement fund of \$16,000,000 in cash and \$2,000,000 in non-cash benefits will be created. Class Members who submit Claim Forms may receive monetary or other benefits. You may also choose to exclude yourself from, or object to, the Settlement. The Court has appointed attorneys to represent the Class. You may hire your own attorney, but only at your own expense.

For a full description of the Settlement, related Court documents, and deadlines and forms, please visit www.ATTMETFSettlement.com.

- Claim Forms are due June 14, 2010, but the date may be extended.
- Requests to exclude yourself from the Settlement must be submitted to the Settlement Administrator and are due March 24, 2010.
- You or your lawyer has the right to appear before the Court and object to the Settlement. Any objections to the Settlement are due March 24, 2010, and any objections to attorneys' fees requested are due April 12, 2010.
- The Court will determine whether to approve the Settlement at a Fairness Hearing on April 14, 2010 at 10:00 a.m. in the United States District Court for the District of New Jersey.
- If you do not exclude yourself by March 24, 2010 and you are a member of the Class, you will be bound by the terms of the Settlement and give up your rights to sue in court or arbitration regarding issues in the case.

You can get a Claim Form at
www.ATTMETFSettlement.com/claimform
by calling 1-888-228-0885 or
by writing the AT&T Mobility ETF Settlement Claims
Administrator, c/o Rust Consulting, Inc., P.O. Box 2266,
Faribault, MN 55021-2386.
Questions may also be directed to Class Counsel
by email at info@ATTMETFSettlement.com.

Please do not contact AT&T Mobility or the Court with questions about this Settlement.

00071213 ■

Exhibit C

**Aviso importante del
Tribunal de Distrito de los EE. UU. para el Distrito de Nueva Jersey
sobre un Acuerdo de Demanda Colectiva.**

To view this notice in English, visit
www.ATTMETFSettlement.com

Un Acuerdo de Demanda Colectiva podría afectar sus derechos si:

- **Usted está suscripto a un servicio de telefonía móvil de AT&T Mobility LLC ("AT&T Mobility") o sus predecesoras, y pago o se le cobró una tarifa fija de cargo por terminación anticipada ("ETF") en cualquier momento después del 1 de enero de 1998, o**
- **Su contrato incluyó una disposición sobre una tarifa fija de ETF en cualquier momento después del 1 de enero de 1998.**

Se ha llegado a una propuesta de Acuerdo para la demanda colectiva en la que se alega que la tarifa fija de ETF de AT&T Mobility (que suele ser de entre \$150 y \$175) era ilegal. El Acuerdo resuelve varios otros casos que cuestionan la tarifa fija de ETF de AT&T Mobility. AT&T Mobility niega enfáticamente cualquier acto doloso, pero ha accedido a llegar a un acuerdo para evitar la carga y el costo de continuar litigando. **El único fin de este aviso es informarle sobre el Acuerdo para que pueda decidir que hacer.**

Si se aprueba el Acuerdo, se creará un fondo del acuerdo por \$16,000,000 en efectivo y \$2,000,000 en beneficios no monetarios. Los Miembros del Grupo de Demandantes que presenten Formularios de Reclamación podrán recibir beneficios monetarios o de otro tipo. También podrán decidir excluirse del Acuerdo u objetarlo. El Tribunal ha designado abogados para que representen al Grupo de Demandantes. Usted podrá contratar su propio abogado, pero exclusivamente a su cargo.

Para obtener una descripción completa del Acuerdo, documentos procesales relacionados, y fechas límites y formularios, visite www.ATTMETFSettlement.com/espanol.

- Los Formularios de Reclamación deben presentarse a más tardar el 23 de agosto de 2010, pero la fecha puede extenderse.
- Las solicitudes de exclusión del Acuerdo deben presentarse al Administrador del Acuerdo a más tardar el 18 de mayo de 2010.
- Usted o su abogado tienen el derecho de comparecer ante el Tribunal y objetar el Acuerdo. Toda objeción al Acuerdo deberá presentarse a más tardar el 18 de mayo de 2010, y toda objeción a los honorarios de abogados solicitados se debe presentar a más tardar el 4 de junio de 2010.
- El Tribunal determinará si aprueba el Acuerdo o no en una Audiencia de Imparcialidad el 24 de junio a las 10:00 a.m. en el Tribunal de Distrito de los Estados Unidos para el Distrito de Nueva Jersey.
- Si no se excluye antes del 18 de mayo de 2010 y usted es miembro del Grupo de Demandantes quedará obligado por los términos del Acuerdo y renuncia a sus derechos a iniciar acciones judiciales o procesos arbitrales en relación con las cuestiones de este caso.



1055 Lenox Park Boulevard, Atlanta, GA 30319-5309

AVISO LEGAL IMPORTANTE

Puede obtener un Formulario de Reclamación en

www.ATTMETFSettlement.com/espanol/formulariodereclamacion

llamando al 1-888-228-0885 o

escribiendo al Administrador de Reclamaciones
relativas al Acuerdo por ETF de AT&T Mobility.
c/o Rust Consulting, Inc., P.O. Box 2266, Faribault,
MN 55021-2386.

También pueden dirigirse preguntas al Abogado
del Grupo de Demandantes
por correo electrónico a
info@ATTMETFSettlement.com.

Por favor no se ponga en contacto con AT&T Mobility ni
con el Tribunal con preguntas acerca de este Acuerdo.

Cliente Actual

John Q. Sample
123 Main Street
Anywhere, US 99999-9999

